



February 2, 2005

HOUSE BILL No. 1802

DIGEST OF HB 1802 (Updated January 31, 2005 1:18 pm - DI 96)

Citations Affected: IC 9-13; IC 9-22; IC 9-23; IC 9-29.

Synopsis: Motor vehicle salvage and automobile auctioneers. Provides that a disposal facility, used parts dealer, or automotive salvage rebuilder from another state may apply for a foreign salvage dealer license from the bureau of motor vehicles. Sets the fees for original, supplemental, and renewal foreign salvage dealer licenses. Makes it a Class B misdemeanor for an automobile auctioneer to sell a motor vehicle or parts to a disposal facility, used parts dealer, or automotive salvage rebuilder unless the automobile auctioneer is provided the identification number of the purchaser's salvage dealer license.

Effective: July 1, 2005.

Saunders

January 19, 2005, read first time and referred to Committee on Roads and Transportation.
February 1, 2005, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.

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HB 1802—LS 7113/DI 96+



February 2, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1802

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-66.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 66.5. "Foreign corporation" has the meaning set**
4 **forth in IC 23-1-20-11.**

5 SECTION 2. IC 9-22-4-3 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2005]: Sec. 3. **(a)** The bureau shall prescribe an
7 application form to be used by persons applying for a license under this
8 chapter. The application must include the following information:

9 (1) The applicant's name.

10 (2) The applicant's type of business organization and the
11 following as appropriate:

12 (A) If the applicant is a corporation, the:

13 (i) name and address of each officer and director of the
14 corporation; **and**

15 (ii) **state of incorporation.**

16 **If the applicant is a foreign corporation, a copy of the**
17 **certificate of authority issued to the applicant by the**

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1 **secretary of state under IC 23-1-49 must accompany the**
 2 **application.**

3 (B) If the applicant is a sole proprietorship, the name and
 4 address of the sole proprietor.

5 (C) If the applicant is a partnership, the name and address of
 6 each partner.

7 ~~(D) If the applicant is an unincorporated association or similar~~
 8 ~~form of business organization, the name and address of each~~
 9 ~~member, trustee, or manager.~~

10 (3) The applicant's principal place of business.

11 (4) All places other than the applicant's principal place of
 12 business at which the applicant proposes to conduct any of the
 13 activities set out in section 1 of this chapter, **including a place of**
 14 **business in a state other than Indiana.**

15 (5) The types of activities set out in section 1 of this chapter that
 16 the applicant proposes to conduct.

17 **(b) If an applicant seeking a license under this chapter is:**

18 **(1) a foreign corporation;**

19 **(2) an individual acting as a sole proprietorship whose address**
 20 **is in a state other than Indiana; or**

21 **(3) a partnership wherein the address of at least one (1)**
 22 **partner is in a state other than Indiana;**

23 **the applicant may apply only for a foreign salvage dealer license.**

24 SECTION 3. IC 9-22-4-7 IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) If the bureau approves an
 26 application under this chapter, the bureau shall grant the applicant the
 27 following:

28 (1) An original license for the applicant's principal place of
 29 business.

30 (2) A supplemental license for each other place of business listed
 31 on the application, **including a place of business in a state other**
 32 **than Indiana.**

33 **(b) A license granted to an applicant described in section 3(b) of**
 34 **this chapter is a foreign salvage dealer license.**

35 SECTION 4. IC 9-22-4-8 IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2005]: Sec. 8. The bureau shall prescribe the
 37 form of the licenses granted under section 7 of this chapter. A license
 38 granted under section 7 of this chapter must include the following
 39 information:

40 (1) The licensee's name.

41 (2) The licensee's type of business organization and the following
 42 as appropriate:

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(A) If a corporation, the:

(i) name and address of each officer **and director of the corporation; and**

(ii) **state of incorporation.**

(B) If a sole proprietorship, the name and address of the proprietor.

(C) If a partnership, the name and address of each managing partner.

~~(D) If an unincorporated association or similar form of business organization, the name and address of the manager or other chief administrative official.~~

(3) The licensee's principal place of business.

(4) The place of business to which each supplemental license applies, **including a place of business in a state other than Indiana.**

(5) A listing of the types of business activities specified in section 1 of this chapter that the licensee may conduct.

(6) The date the license expires.

(7) The identification number of the license.

SECTION 5. IC 9-23-2-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 6.5. An automobile auctioneer may not sell a motor vehicle or motor vehicle parts to:**

(1) a disposal facility;

(2) a used parts dealer; or

(3) an automobile salvage rebuilder;

unless the identification number of the license granted to the disposal facility, used parts dealer, or automobile salvage rebuilder under IC 9-22-4-7 is provided to the automobile auctioneer at the time of sale.

SECTION 6. IC 9-29-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3. (a) Except as provided in subsection (b), the fee for an original license under IC 9-22-4 is ten**
fifty dollars (\$10): (\$50).

(b) The fee for an original foreign salvage dealer license is two hundred fifty dollars (\$250).

SECTION 7. IC 9-29-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4. (a) Except as provided in subsection (b), the fee for a supplemental license under IC 9-22-4 is**
five twenty-five dollars (\$5): (\$25).

(b) The fee for a supplemental foreign salvage dealer license is one hundred twenty-five dollars (\$125).

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1 SECTION 8. IC 9-29-7-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 5. **(a) Except as provided in**
3 **subsection (b)**, the fee for a renewal license under IC 9-22-4 is ten
4 dollars (\$10).
5 **(b) The fee for a renewal foreign salvage dealer license is one**
6 **hundred twenty-five dollars (\$125).**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1802, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DUNCAN, Chair

Committee Vote: yeas 10, nays 1.

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